

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA ex rel.
JOSEPH SEIKEL and TERENCE SEIKEL,

Plaintiffs-Relators,

v.

DAVID B. ALVAREZ, APPLIED
CONSTRUCTION SOLUTIONS, INC.,
ENERGY TRANSPORTATION LLC,
ENERGY RESOURCE GROUP, LLC,
ET360, LLC, BEAR CONTRACTING, LLC,
BEAR UTILITIES, LLC, JASON P.
HENDERSON, and JOHN DOES NOS., 1-
50, FICTITIOUS NAMES,

Defendants.

Case No. 1:23-cv-01

**Defendants David B. Alvarez, Applied Construction Solutions, Inc., and
Energy Transportation, LLC's Notice of Withdrawal of Consent**

Defendants David B. Alvarez, Applied Construction Solutions, Inc., and Energy Transportation, LLC respectfully submit this notice withdrawing their consent to [Proposed] Protective Order, which was submitted to the Court on April 13, 2023. ECF No. 82. Given the highly sensitive and confidential commercial information Plaintiff-Relators seek in discovery, the Alvarez Defendants submit that the current order does not adequately protect the information sought in discovery nor does it have a sufficient notice provision to those parties and non-parties who may receive such information. *See* Relator's First Set of Requests for Production to David B. Alvarez, Applied Construction Solutions, Inc., and Energy Transportation, LLC (June 30, 2023), attached hereto as **Exhibit A**. The Alvarez Defendants submitted a new proposed Protective Order to Plaintiff-Relators on August 22, 2023, and will negotiate in good faith to mutually agree upon a substitute protective order.

DAVID B. ALVAREZ; APPLIED
CONSTRUCTION SOLUTIONS, INC.; AND
ENERGY TRANSPORTATION, LLC

By Counsel

/s/ Michael L. Murphy

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of August, 2023, the foregoing was electronically filed and served through the Court's CM/ECF system to counsel of record.

/s/ Michael L. Murphy

Michael L. Murphy (WVSB #10888)